

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DUNKIN' DONUTS FRANCHISED</b>	<b>:</b>	
<b>RESTAURANTS, LLC, DD IP</b>	<b>:</b>	
<b>HOLDER, LLC, BASKIN-ROBBINS</b>	<b>:</b>	
<b>FRANCHISED RESTAURANTS,</b>	<b>:</b>	<b>CIVIL ACTION</b>
<b>LLC and DB REAL ESTATE</b>	<b>:</b>	
<b>ASSETS I, LLC,</b>	<b>:</b>	
<b>Plaintiffs,</b>		<b>:</b>
		<b>:</b>
<b>v.</b>	<b>:</b>	
		<b>:</b>
<b>CLAUDIA I, LLC, MANFRED P.</b>	<b>:</b>	<b>No. 12-2010</b>
<b>MAROTTA and LYNNE K.</b>	<b>:</b>	
<b>MAROTTA,</b>	<b>:</b>	
<b>Defendants.</b>		<b>:</b>
		<b>:</b>
<b>v.</b>	<b>:</b>	
		<b>:</b>
<b>SPRING HILL REALTY, INC.,</b>	<b>:</b>	
<b>Third Party Defendant.</b>		<b>:</b>

**ORDER**

AND NOW, this 15<sup>th</sup> day of July, 2013, upon consideration of the Third Party Defendant's Motion to Dismiss the Amended Third Party Complaint (Doc. No. 43), and the Response thereto, it is hereby **ORDERED** that the Motion is **GRANT IN PART AND DENY IN PART** as follows:

1. Defendant's Motion to Dismiss Count I is **DENIED**;
2. Defendant's Motion to Dismiss Count II is **DENIED**;
3. Defendant's Motion to Dismiss Count III is **DENIED**;
4. Defendant's Motion to Dismiss Count VII is **DENIED**; and

5. Defendant's Motion to Dismiss Count VIII is **GRANTED**.

BY THE COURT:

/s/LAWRENCE F. STENGEL  
LAWRENCE F. STENGEL, J.